



RECEIVED
JUL 09 2003
TECH CENTER 1616
EXPEDITED PROCEDURE
GROUP 1616
\$
PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q67010

Kazuya TAKENOUCHI, et al.

Appln. No.: 10/035,217

Group Art Unit: 1616

Confirmation No.: 4555

Examiner: Sabiha Naim Qazi

Filed: January 04, 2002

For: VITAMIN D3 DERIVATIVE AND TREATING AGENT FOR INFLAMMATORY RESPIRATORY DISEASE USING SAME

RESPONSE UNDER 37 C.F.R. § 1.116

MAIL STOP AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated May 1, 2003, please consider the following remarks.

REMARKS

Claims 46-54 are all the claims pending in the application.

Claims 46-54 are rejected under the judicially created doctrine of obviousness double patenting as allegedly being unpatentable over claims 13-20 of U.S. Patent No. 6,531,460 (Application No. 089/830,167) and U.S. Patent No. 6,548,489 (Application No. 10/035,219).

The Examiner states that although the claims are not identical, they are not considered to be patentably distinct since the method claims were joined with the compound claims.